

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MATTHEW A. JAMESON,

Plaintiff,

v.

Case No. 10-10366

OAKLAND COUNTY, et al.,

Defendants.

**ORDER DISMISSING DEFENDANTS CLARK, SIMERLY, GALLAGHER, CRAZE,
AND “DEPUTY” CHRISTY**

On August 12, 2010, the court denied Plaintiff’s motion to extend the time to serve five of the Defendants. In the same order, the court ordered Plaintiff to show cause in writing why the unserved Defendants should not be dismissed. On August 22, 2010, Plaintiff responded. The court remains unpersuaded that there was good cause for Plaintiff’s failure to serve Defendants Clark, Simerly, Gallagher, and Craze.¹

In his response, Plaintiff asserts, more or less, the same argument presented in his motion to extend. Plaintiff argues that good cause exists for his failure to timely effect service because he did not know that the unserved Defendants did not work for the Oakland County Sheriff and did not know their full names until it was too late to serve them. Plaintiff indicates that—eleven days before the expiration of the summonses—defense counsel informed him that defense counsel would not be responding for some of the officer Defendants because they did not work for Oakland

¹ Plaintiff does not object to the dismissal of Defendant “Deputy” Christie, the dog. (Pl.’s Resp. 2.)

County. (*Id.* at 4.) Accordingly, Plaintiff was on notice, eleven days before the summonses expired, that his attempts to serve some of the Defendants by leaving process with the Oakland County Sheriff would fail. Plaintiff gives no indication that he did any followup to effect timely service in these remaining eleven days. And while Plaintiff describes some of the steps taken to discover the full names of the unserved Defendants, these steps were taken *after* the deadline to serve passed. Accordingly, the court remains unconvinced that Plaintiff was diligent in his efforts to assure that all of the Defendants were served and concludes that Plaintiff has failed to show good cause for failing to execute service in a timely fashion. The court will therefore dismiss the unserved Defendants. Accordingly,

IT IS ORDERED that Defendants Clark, Simerly, Gallagher, Craze, and “Deputy” Christie are DISMISSED WITHOUT PREJUDICE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 25, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 25, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522